

**Translation**

PATENT COOPERATION TREATY

PCT/IB2003/004087



**PCT**

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PCT03/1013	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/IB2003/004087	International filing date (day/month/year) 16 September 2003 (16.09.2003)	Priority date (day/month/year)
International Patent Classification (IPC) or national classification and IPC C08F 212/04		
Applicant RESIRENE, S.A. DE C.V.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.  <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input checked="" type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 11 April 2005 (11.04.2005)	Date of completion of this report 15 September 2005 (15.09.2005)
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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/IB2003/004087

## I. Basis of the report

1. With regard to the **elements** of the international application:\*

- ☒ the international application as originally filed
- ☒ the description:  
pages \_\_\_\_\_ 1-11 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
pages \_\_\_\_\_ 12, 13 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the drawings:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

## 1. Statement

Novelty (N)	Claims	1-18	YES
	Claims		NO
Inventive step (IS)	Claims	1-18	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims		NO

## 2. Citations and explanations

Reference is made to the following document:

D01: US 4772667 A, 20 September 1988

The subject matter of the invention is a random copolymer comprising:

- (a) 75-95% by weight aromatic vinyl monomer;
- (b) up to 15% by weight alkyl methacrylate (1-4 carbon atoms);
- (c) up to 25% by weight alkyl acrylate monomer (1-4 carbon atoms).

The copolymer is mixed with a diblock or triblock copolymer which contains styrene monomers or mixtures of the same or its partially hydrogenated derivatives. The proportion proposed in the application is of 1-75% for the random copolymer and 25-99% for the block copolymer. The mixture is used in extrusion processes, eliminating melt fracture, for producing packaging films, sheets or plates.

Document D01 discloses a polymer composition for use in packaging processes and comprising:

- (a) 25-75% by weight styrene monomer selected from the group of p-methyl styrene, terbutyl styrene,

dimethyl styrene and their brominated or chlorinated derivatives. As shown in the examples, the proportion of incorporated monomer is of about 60%;

- (b) 10-50% methyl methacrylate;
- (c) 7-30% butyl acrylate.

That composition is mixed with 2-20% of a diblock or triblock copolymer which contains styrene-butadiene, styrene-isoprene, styrene-butadiene-styrene, styrene-isoprene-styrene monomers and their partially hydrogenated derivatives (see column 1, line 53 - column 2, line 5).

Consequently, the subject matter of claims 1-18 is considered to meet the requirements of PCT Article 33(2) and 33(3) for novelty and inventive step in relation to the prior art.

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## VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

The value proposed for methyl methacrylate in the example CP02 given by the applicant does not match the general value indicated for this component.